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SUMMARY RECORD OF THE 62nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 March 1993, at 10 a.m.

Chairman: Mr. ENNACEUR (Turkey)

CONTENTS

The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service (continued)

Advisory services in the field of human rights

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The meeting was called to order at 10.20 a.m.

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 26) (continued) (E/CN.4/1993/68 and Add.1 to 3)

1. Mr. PENNY (Friends World Committee for Consultation (Quakers)) recalled that, as the Statute of UNESCO stated, "Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed". Quakers had always opposed war and refused to bear arms, even if that sometimes meant suffering imprisonment. They were profoundly convinced that there was something of God in every person, and that it was therefore wrong to kill another human being. That conviction was also the source of Quaker work for peace, justice, human rights and equality in all its forms; Quakers tried to eradicate the causes of war and to seek non-violent means of resolving disputes. Their conviction was shared by other branches of the Christian church, other religions and people without any religious faith.

2. Quakers therefore welcomed the Commission's recognition, in resolution 1989/59, of the right of conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion. They wished it to be made clear, however, that conscientious objection could arise from ethical, moral, humanitarian and philosophical motives as well as from religious ones.

3. The final report on human rights and youth of the Sub-Commission's Special Rapporteur, Mr. Mazilu (E/CN.4/Sub.2/1992/36) showed that many countries still did not recognize the right to conscientious objection to military service. All Governments which had not yet done so should introduce the necessary legislation in line with the Commission's resolution. Moreover, where such legislation existed those affected by conscription, including those already doing military service, should be informed about it. The question of conscientious objection became critical for many young people if they found themselves being used for the purposes of internal repression or the abuse of human rights. States should grant asylum to those who sought refuge abroad rather than face conscription in such circumstances.

4. The vision of a world without war might today seem further from reality than at any time since the founding of the United Nations, one of whose aims had been "to save succeeding generations from the scourge of war". However, one small step in that direction was to encourage those who took a principled stand against war.

5. Mr. LOREDO (International Association of Educators for World Peace) said that he was a Franciscan priest, was living in exile, and had been a political prisoner for 10 years. He wished to speak on the question of the role of youth in the promotion and protection of human rights in the light of the present situation in various countries. In Iran, for example, in the opinion of the Special Representative appointed to investigate the situation in that country, Mr. Galindo Pohl, the situation of youth had not improved in 1992. Many young people who had demonstrated simply to assert their fundamental rights had suffered brutal repression and had been arrested or even executed. It was not surprising therefore that the delegation of the Red Cross had not

been allowed to continue its visits to Iranian prisons and had been requested to leave the country, or that the Special Representative had not been authorized to travel to Iran. Similarly, the report submitted to the Commission by the Special Rapporteur appointed to investigate the human rights situation in Cuba, Mr. Carl-Johan Groth (E/CN.4/1993/39) indicated that many young people who joined Cuban human rights organizations were persecuted. Reference should be made to the case of Rodolfo González, youth coordinator of the Cuban Human Rights Committee, who was detained since 10 December 1992 for "enemy propaganda".

6. But even irrespective of whether or not they belonged to a human rights movement, young people in certain countries were subjected to a whole range of repressive measures. That was, in particular, the case in Tibet, where they were readily labelled as "counter-revolutionaries" by the Chinese authorities. Thus, 10 young monks had been incarcerated since 1989 after being found guilty of disseminating a Tibetan translation of the Universal Declaration of Human Rights. In Cuba, young people were arrested, imprisoned and ill-treated most often on grounds of spreading "enemy propaganda". It should be emphasized that the cases he was referring to were not isolated but formed part of a generalized system of repression in the island as a whole. On the subject of the allegedly democratic process in Cuba and the electoral farce of 24 February 1993, it was instructive to read the recent testimony of Oswaldo Payá, who had tried to stand as a deputy and to gather signatures calling for a national plebiscite. Mr. Payá denounced the fraudulence and manipulation of the elections. His testimony coincided with other recently received information, in particular that emanating from Ms. María Valdéz Rosado, Chairman of the Cuban Christian Democratic Movement.

7. Mr. LAGO SILVA (Cuba), speaking on a point of order, said that the speaker should be reminded that the Commission was considering agenda item 26 entitled "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service". The case of the persons he had mentioned had nothing to do with the question of conscientious objection.

8. Mr. LOREDO (International Association of Educators for World Peace), continuing his statement, said that Ms. María Valdés Rosado had been refused the right to vote because that right was allegedly reserved for revolutionaries. She had even been told that the presence of any member of the opposition in the electoral colleges was not desired and that any attempt to unite opposition groups would not be tolerated. The absence of freedom of the press meant that young Cubans had no possibility of expressing themselves, and the deterioration of the situation sometimes induced them to take desperate initiatives. Thus, a young man had recently been arrested simply because he had shouted "Down with Fidel!" at a Communist party meeting. An officer who had been present at the incident and had not intervened had been punished. As for the young protester, he had been taken away to the premises of the State security police. Desperate reactions were therefore to be feared on the part of young people, who saw no way out other than taking to the high seas in order to find somewhere to live - in exile, but at least in peace. Unfortunately, many of them perished during the crossing. In 1992, 2,557 persons had reached the coast of Florida. That figure was an absolute

record, 20,000 persons having landed since 1959. By 26 February 1993, a total of 301 persons - more than double the corresponding figure for the previous year - had been rescued in the same area.

9. The CHAIRMAN said that the representative of the International Association of Educators For World Peace was abusing the patience of the Commission. The question of persons lost at sea had nothing to do with the agenda item at present under consideration.

10. Mr. LOREDO (International Association of Educators for World Peace) said that at the time of his own arrest in 1966 he had personally experienced the drama of Cuban youth. Twenty-six years later he was still a witness of the sacrifice of his people and, in particular, of its youth.

11. The CHAIRMAN informed the representative of the International Association of Educators for World Peace that he no longer had the floor.

12. Mr. HOVEY (Pax Christi International) said that on 9 August 1993 a large number of people would gather in the small Austrian village of St. Radegund to commemorate the fiftieth anniversary of the execution of Franz Jaegerstaetter, beheaded in 1943 for his refusal to serve in the Nazi army. Unfortunately, his was far from the only case of persecution, at that time or since, for refusal to participate in war or military service. It was only in the past week that some of the conscientious objectors to the Gulf War had been freed from prison in his own country, the United States of America. Arbitrary changes had been made in regulations regarding conscientious objectors in the United States army and air force at the beginning of the conflict, causing otherwise legitimate claims to be rejected. In Poland, in the former Yugoslavia, in Guatemala and in El Salvador, too, conscientious objectors were being persecuted or obliged to flee their homelands to avoid enlistment.

13. Pax Christi International welcomed the attention the Commission had given in recent years to the question of the right of conscientious objection to military service, but clearly much still remained to be done. While many Catholics felt, like the Quakers, that war was contrary to the teachings of Christ and it was therefore wrong to kill or to train people to kill, Pax Christi International and other mainstream Christian communities distinguished between just wars and unjust ones in which it would be wrong to participate. That position was unfortunately not recognized as a legally acceptable form of "selective conscientious objection". Those who were prosecuted for holding that position were therefore deprived of their right to freedom of religion, thought and conscience, as proclaimed in article 18 of the Universal Declaration of Human Rights and other well-known international instruments. In honour of Franz Jaegerstaetter, Pax Christi International urged the Commission to recognize the right of conscientious objection to particular wars as well as to war itself.

14. His organization also asked the Commission to recognize that conscientious objection to military service could derive from reasons of conscience or profound convictions arising from religious, ethical, moral or humanitarian, philosophical or similar motives. The right of persons already in the armed forces to be released on grounds of conscience or profound convictions should also be recognized. That possibility occurred

more frequently in countries where obligatory military service had been replaced by a voluntary enlistment programme. He personally had served for five years in the United States navy and, after being stationed at a naval base near Nagasaki, where he had seen the appalling effects of the atom bomb, had understood that he would no longer be able in good conscience to serve in the armed forces. He had seen it not only as his right but as a duty not to participate in such crimes against humanity. That conviction had led him to request to be released from the obligation to serve. After eight months of representations, explanations and justifications, his request had finally been granted. Such changes of attitude should be respected and treated as a sincere manifestation of conscientious objection.

15. The Commission should also request States to disseminate information about the right of conscientious objection to military services in publications aimed at youth and should request the Secretary-General to include information about the right of conscientious objection to military service in United Nations publications and activities, including the forthcoming World Conference on Human Rights. It should be emphasized that an alternative service should promote social justice, peace, economic development and environmental preservation and should never be punitive. States should be urged to grant asylum or safe transit to another State to persons compelled to leave their country or to give up their nationality solely because of conscientious objection to military service. Lastly, the Secretary-General should be requested to update and expand the information appearing in the annexes of the report by Mr. Eide and Mr. Mubanga-Chipoya entitled "Conscientious objection to military service" (E/CN.4/Sub.2/1983/30/Rev.1).

16. Mr. MONOD (War Resisters' International) said that his organization defended conscientious objectors who refused armed service. Since the ending of the cold war, wars had flared up in many places - Armenia, the Caucasus, Moldova, Kurdistan, Iraq, Yugoslavia, Somalia, Sudan, Liberia, etc. - for many different reasons: self-determination of peoples, national independence, status of minorities, religious identity, ethnic cleansing. Some of those reasons appeared to be valid while others were intolerable, but the most unacceptable was the use of armed force to settle disputes. War was a barbaric practice which had to be replaced by negotiations, with recourse to international bodies and to the International Court of Justice. What would happen if war were declared and no one went to war? The War Resisters' International therefore paid tribute to conscientious objectors; it had supported the American soldiers who had refused to fight in the Persian Gulf, just as today it supported the young Serbs, Croatians and Bosnians who refused to take part in the civil war in the former Yugoslavia.

17. In its resolution 1987/46 the Commission had recognized the right to conscientious objection by referring to the Universal Declaration of Human Rights. But in its resolution 1989/59 on the same subject, the reference to ethical motives had been dropped, leaving religious motives only. Given the enormous problem of conscience facing young men called up into the armed forces, it was essential that ethical, moral and political motives should be recognized. The recent attacks on innocent civilian populations were an offence not only to religious conscience but also to moral conscience as well as political good sense.

18. The events of 1991 in the Persian Gulf and now the war in the former Yugoslavia showed that the problem could also arise for soldiers already serving in the armed forces. In 1990, thousands of American soldiers had refused to take part in a punitive expedition to a third world country; today, thousands of Serbs and Croats were refusing to take part in what they considered to be a civil war. It should be possible for soldiers to apply for release and to return to civilian life if, in conscience, they no longer found it tolerable to bear arms. They should also be able to refuse selectively to participate in a type of war that was contrary to their conscience. Similarly, they should be granted the right to refuse to use particularly cruel weapons or weapons of mass destruction. Lastly, soldiers could refuse to turn their weapons against civilian populations.

19. The resolution adopted by the Commission in 1989 should be supplemented accordingly. Since States generally did not refuse asylum to conscientious objectors, it was also desirable that a reference to that factor should be included.

20. Mr. OZDEN (Centre Europe - Tiers Monde) said that, like the representative of War Resisters' International, he wished to speak about the fate of soldiers who had refused to participate in the Gulf War and to call for the right to conscientious objection for those who refused to go to theatres of operation in the third world. During the Gulf War, more than 2,500 United States servicemen had applied for conscientious objector status. Many had been young men who had enlisted in order to have a job and receive training, but some had been officers of 10 years' standing. Ninety per cent of the applications had come from men, but some women had also declared themselves to be conscientious objectors. The largest group had consisted of African Americans, but there had also been many white, Latin American and Asian objectors. The applications had in many cases been based on non-religious motives, but some had emanated from Muslims, Roman Catholics, Protestants, Buddhists and members of other religions. Although the enlistment contract contained a clause allowing for the soldier's change of mind, that option was granted only in a very restrictive manner and the rules did not allow a soldier to refuse selectively to participate in certain wars or to use certain types of weapons. In December 1990, more than 1,000 soldiers had applied for conscientious objector status and in 1991, when reservists had been called up, there had been a new wave of such applications. About 100 objectors had been imprisoned and some had been released only a month previously, two years after the Gulf War.

21. His organization also wished to speak on behalf of reservists called up for service in the former Yugoslavia. In Croatia and Serbia, many soldiers had had to flee to Hungary, Germany and Holland, where they were living in difficult conditions. Some deserters captured by the Federal Army had been sent to the front as cannon-fodder. Many had been declared missing. Such refusal to go to war on the part of professional soldiers or reservists brought out acutely the problem of conscientious objection by already enlisted soldiers. It was becoming necessary, in conformity with article 18 of the Universal Declaration, to recognize the right of those soldiers to change their minds and to leave the army or to refuse to participate in expeditions to foreign countries and in civil wars, to use their weapons against civilians, or to use weapons of mass destruction.

22. Commission resolution 1989/59 should therefore be expanded accordingly, mention being made of the possibility for conscientious objectors to find asylum abroad in view of the fact that States generally did not refuse asylum on those grounds.

23. The CHAIRMAN stated that the Commission had concluded its consideration of agenda item 26.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 21)
(E/CN.4/1993/61 and Add.1)

24. The CHAIRMAN said that under agenda item 21 the Commission had before it the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1993/61).

25. Mr. MAEMA (Lesotho) said that he wished first of all to thank the Centre for Human Rights and its Director and Assistant Secretary-General for Human Rights, Mr. Ibrahima Fall, for technical and advisory assistance given to Lesotho in pursuance of Commission resolution 1992/80. The preparatory work undertaken in Lesotho in early 1992 with a view to setting up legal, administrative and technical structures that would facilitate the holding of free and fair elections in accordance with internationally recognized standards was highly appreciated by his Government. In particular, the seminar on elections and human rights in a democratic society organized in Lesotho by the Centre for Human Rights in January 1993, had been greatly welcomed by the political, legal and university communities, the media, non-governmental organizations and public opinion at large. Lesotho was to hold general elections on 27 March 1993. It hoped that the Centre for Human Rights would not confine its activities to monitoring the elections but that its long-term target would be to contribute, through the advisory services, towards ensuring periodic and genuine elections in accordance with General Assembly resolution 47/138, Commission resolution 1989/51 and the appropriate guidelines.

26. Assistance rendered to Lesotho in the training of officials charged with the drafting of electoral laws and procedures, the training of electoral officers and facilitation of voter education, as documented on pages 31 and 32 of the report of the Secretary-General (E/CN.4/1993/61), was also greatly appreciated. His Government particularly welcomed the fact that a United Nations observer mission was to be dispatched to Lesotho to monitor the elections together with observers from the Commonwealth, the Organization of African Unity and other governmental, non-governmental and international institutions. There could be no doubt that all assistance of that kind would help the country in overcoming difficulties encountered during the transition to democracy, as had recently been demonstrated in the subregion. It was to be hoped that the decision to establish a focal point for electoral verification and electoral assistance would be implemented without delay.

27. The post-electoral process would require the ratification of various United Nations human rights instruments, verification of the compatibility of the country's laws with those instruments, and reporting on measures taken to correct certain problems. To that end, his Government would apply for

United Nations assistance in hosting a seminar on the drafting of compatible legislation and the drafting of human rights reports on a thematic basis. The seminar would be intended for legal officers, government officials and representatives of non-governmental organizations.

28. The imminent democratization of Lesotho represented yet another step in the promotion of human rights, transparency, good governance and accountability. At an interregional meeting held at Strasbourg in January 1993 on the subject of human rights at the dawn of the twenty-first century, the close relationship between human rights, democracy and development had rightly been underscored. His delegation hoped for future cooperation and technical assistance by States Members of the United Nations and the Centre for Human Rights under the advisory services programme so that the country might develop democratic institutions and the rule of law capable of ensuring respect of human rights.

29. Mr. SOTIROV (Bulgaria) said that the Centre for Human Rights programme of advisory services and technical assistance was considered in his country to be a necessary tool for strengthening the national infrastructures aimed at promoting and protecting fundamental human rights standards. It also offered opportunities for resolving certain specific problems encountered by States and provided practical assistance to Governments in the implementation of international conventions on human rights.

30. Bulgaria endorsed the pragmatic approach adopted by the Centre. As a country undergoing a difficult process of transition from a totalitarian to a democratic society, it had received valuable assistance in the reform of its legal system and especially in the preparation of its new Constitution. Bulgaria was now developing a pluralistic democracy with full respect of the rule of law on the basis of the separation of legislative, administrative and judicial powers. Freedom of the press and of assembly, religion, expression, association and travel were constitutionally guaranteed and respected.

31. The technical cooperation agreement concluded between the Bulgarian Government and the Centre in July 1991 was being successfully implemented and, in particular, had made possible the publication in Bulgarian of the Compilation of United Nations Human Rights Instruments, which was now being widely distributed to parliamentarians, government officials, judges, lawyers, law enforcement officials, students and non-governmental organizations. Manuals on the teaching of human rights and many of the human rights fact sheets had also been translated into Bulgarian and were intended to complement national activities aimed at information, education and training in the human rights field. His delegation fully shared the view expressed by the Secretary-General in paragraph 157 of his report (E/CN.4/1993/61) that those publications "should facilitate understanding of international human rights standards and the application thereof in the national machinery for the protection of human rights".

32. Bulgaria greatly appreciated the Centre's understanding and cooperation in the fulfilment of the Technical Cooperation Agreement of 1991. It viewed with interest the new approach adopted by the Centre which envisaged carrying out a comprehensive needs assessment of a given country and developing an overall programme containing specific projects responding to identified needs.

The process of democratization in his country had led to a growing interest among judges, lawyers, prosecutors, police officers and other government officials in training and education in the human rights field. The establishment of a centre for documentation and information on human rights in Sofia would be of valuable assistance to the Bulgarian authorities. The fellowship programmes and international seminars organized by the Centre and other international institutions were an important part of advisory services, being forms of training which provided good opportunities for broadening the professional knowledge and experience of the participants, who often held important positions related to the promotion and protection of human rights. It was obvious that the broad range of advisory services and technical assistance could not be implemented without strengthening the Centre for Human Rights.

33. As the coordinating unit in the promotion, protection and implementation of human rights within the United Nations system, the Centre needed to be provided with sufficient human and financial resources. There could be no doubt that a fundamental re-evaluation of the United Nations human rights budget was called for. His delegation hoped that the World Conference on Human Rights would adopt recommendations securing the necessary financial and other resources for the future activities of the United Nations programme of advisory services and technical assistance.

34. Mr. ESPER LARSEN (Observer for Denmark), speaking on behalf of the European Community and its Member States, said that the building of human rights infrastructures as well as education, training and dissemination of information could be considered vital at a time when human rights and democracy were assuming increasing significance in an ever-growing number of countries. On that score, the European Community shared the view of the Director of the Centre for Human Rights that advisory services and technical cooperation should be considered a priority area of the Centre's activities. In the perspective of the World Conference on Human Rights, the Community, reaffirming once again the interdependence of human rights, democracy and development would continue to offer active support to the Centre's activities. It noted with satisfaction that the Secretary-General in his report (E/CN.4/1993/61), while bearing in mind the substantial interrelationship between different parts of the programme, intended to draw a clear distinction between technical cooperation projects financed from the Voluntary Fund for Technical Cooperation and advisory services financed under the regular budget. However, the standards to be applied to the preparation, execution and follow-up of programme components should be the same in both cases, and the need for thorough assessment at all stages was also equally great.

35. Turning first to the programme of advisory services financed under the regular budget, he said that the European Community wished to commend the Centre for the number of activities it undertook with the limited resources at its disposal. The budget for the programme ought to be increased. So far as training courses and fellowships were concerned, there was need for greater transparency, and those activities would also benefit from priority setting and the introduction of more precise criteria for project identification and appraisal and the identification of target groups. A thorough and systematic evaluation would also contribute to the programme's effectiveness.

36. The Secretary-General noted in his report that the provision of expert services in the field of human rights was one of the basic components of the advisory services programme, but that the appointment of an expert to deal with a specific country and the provision of advisory services of experts under the programme of advisory services at the request of member States might confuse the issue of technical assistance. The Community agreed with the Secretary-General that the Commission should find ways of following serious situations of violations of human rights from a critical perspective while at the same time making available the help needed in a way that did not undermine the credibility of the advisory services programme nor discourage Governments that did not have serious situations of violations from asking for assistance. Consistency in that field was a prerequisite. Countries whose difficulties could be remedied by the provision of advisory services and technical cooperation should be dealt with exclusively under agenda item 21. If the nature of a country situation was more properly characterized as "violations of human rights" it should logically come under item 12. Advisory services and technical cooperation activities assisted Governments and could be a complement to, but never a substitute for, the monitoring and investigatory activities of the United Nations.

37. Turning to the question of the Voluntary Fund for Technical Cooperation, he recalled that the Fund had been established to assist States in applying human rights standards, to build up and strengthen national and regional institutions, to provide remedies for existing shortcomings and to prevent situations that might lead to a recurrence of human rights violations. The growing awareness of countries worldwide of their needs for technical assistance in the human rights field had resulted in an expanding list of requests. In order to cope with those requests, the Centre had developed guidelines for project formulation, implementation and reporting based on those used by the United Nations Development Programme. Those guidelines were still in use but were felt by those who applied them to be no longer suited to present needs. The European Community wished to encourage the Centre to continue its exploratory work with the International Labour Office on that subject.

38. The Centre was not operating alone in the area of technical assistance in the human rights field. Development cooperation agencies within and outside the United Nations system, as well as non-governmental organizations, were integrating the human rights dimension in their programmes. The European Community and its member States therefore encouraged the Centre to continue redefining its role in the technical cooperation area while pursuing a much closer partnership with United Nations agencies and other institutions engaged in related activities, for example in the area of electoral assistance, where both the Centre and other United Nations bodies had expertise. Similarly, the Centre should play a constructive role in multidimensional programmes implemented by the United Nations and having a human rights perspective.

39. The global approach to the needs of a country adopted by the Centre for Human Rights deserved full support. The Centre was particularly well placed to assess the needs of countries requesting technical assistance in the human rights field and to elaborate comprehensive programmes that would best meet those countries' needs. For the implementation of those programmes, it appeared advisable that the Centre should rely mostly on the skills and

resources of other agencies and non-governmental agencies, confining its own project implementation activities to areas requiring such special expertise as it alone could provide. Fruitful cooperation between agencies both inside and outside the United Nations required the active cooperation of all involved. The European Community supported the Assistant Secretary-General's endeavours towards that end and would for its part encourage the other bodies to collaborate actively with the Centre for Human Rights.

40. On the eve of the World Conference on Human Rights, the technical cooperation programme was at an important juncture. The European Community acknowledged the changes introduced by the Director of the Centre in the administration and operation of the Voluntary Fund and took the view that further efforts to streamline and rationalize working methods and procedures, including efforts to improve evaluation and follow-up, could enhance the confidence of donors and recipients as well as of agencies and non-governmental organizations. At the forty-eighth session of the Commission, some delegations had spoken in favour of establishing a board of trustees for the Voluntary Fund, composed of independent experts. The European Community shared that view, the practice having proved successful elsewhere. A board of trustees for the Voluntary Fund for Technical Cooperation in the Field of Human Rights, entrusted with assisting the Secretary-General in the administration of the Fund, would assist the Centre in achieving greater transparency towards all involved. The members of such a board could also play an important role as advocates of and fund-raisers for the Fund.

41. The European Community believed in the importance of assisting States in building the necessary infrastructures and creating durable foundations for the widest exercise of human rights. In that perspective, it believed that both the advisory services programme under the regular budget and the technical assistance programme financed by the Voluntary Fund were essential. The two components of the programme had the potential to become a pillar of United Nations action in the human rights field. The European Community was confident that the Fund would attract more contributions from different sources if its management and accountability were further improved. Some of the Community's members had already announced and, in some cases, had increased their contributions to the Fund for 1993, thus showing the importance they attached to advisory services and technical assistance as well as their faith in the new direction of the programme.

42. Mr. MOTOC (Romania) said that his country was a beneficiary of United Nations advisory services provided either under the regular budget or under the Voluntary Fund. It appeared that the question of improving the overall approach and the techniques relating to United Nations advisory services programmes would constitute one of the main issues on the agenda of the World Conference on Human Rights. The report of the Secretary-General (E/CN.4/1993/61) testified to certain major improvements in the management and operation of the Voluntary Fund, especially in respect of preliminary assessment and the preparation and implementation of projects. A series of innovative measures had been applied with a view to enhancing the role of the United Nations in the provision of assistance. A development that should not be overlooked was the greater political willingness on the part of Governments to seek constructive solutions, especially at the international level, to

their human rights problems. The trend towards globalization which emerged from the new approach adopted by the Centre for Human Rights was welcomed by his delegation, which had had first hand experience of the catalytic role that the budding partnership between Governments and the Centre could play in the practical application of international human rights standards.

43. The new approach also reflected the fact that human rights issues were increasingly being addressed in a wider framework. Advisory services now ranged from assistance to electoral processes, the building of democratic institutions and the strengthening of the rule of law to development projects, etc. The Centre had of late increasingly engaged in technical cooperation aimed at enhancing democratic structures and consolidating the rule of law. Amnesty International, for its part, had also made useful suggestions, especially with regard to a comprehensive rapprochement between the advisory function in the field of human rights, UNDP projects and activities under the crime prevention programme. Romania shared the concern expressed by Amnesty International with regard to improving the methods of evaluating advisory service programmes, but felt that it might also be worthwhile to examine further ways of improving the operation of criteria for a comprehensive needs assessment. Such an improvement would, in the first place, lessen the workload of the Centre, currently overburdened with requests for assistance.

44. Lastly, his delegation fully endorsed the idea of active involvement by non-governmental organizations concerned with human rights as both beneficiaries of and partners to the advisory services programmes. Romania had had recourse to the knowledgeable advice of the Romanian Institute for Human Rights which, under the chairmanship of Professor Joseph Voyame, was becoming a full-fledged depository of human rights expertise. The implementation of the country programme for Romania (1993-1994) was striking proof of the ongoing process pursued by the Centre for Human Rights, to which his delegation wished to express its gratitude. His Government firmly intended to contribute towards the enhancement and refinement of the international advisory function in the human rights field, a function which might well prove of capital importance in the new non-confrontational phase of the process of upholding human rights everywhere.

45. Mr. KOSSENKO (Russian Federation) said that human rights and other universal values shared by all mankind, could serve as the basis for civilized relations of trust between States operating in accordance with different systems. The assistance provided by the United Nations in the form of advisory services to countries wishing to build a civil society based on the rule of law was one of the tools that could today contribute usefully towards strengthening the primacy of law at the national level. Russia, which itself aspired towards that goal, was in the process of preparing a cooperation agreement with the Centre for Human Rights. In his report on advisory services in the field of human rights (E/CN.4/1993/61), the Secretary-General provided a clear picture of the manner in which the scope of those activities had increased in recent years.

46. The Russian Federation also noted with satisfaction the change in orientation introduced by the new Director of the Centre. However, it associated itself with the reservations and views expressed by certain countries concerning the geographical distribution of activities under the

advisory services programme, the insufficiently practical nature of those activities and the insufficient attention given to national needs. For its part, his delegation considered that not enough prominence was given in the programmes of the Centre to the region corresponding to the former Soviet Union. At the same time, he felt he should inform the Commission that the Centre had received, for expertise, the laws of the Russian Federation on the status of citizens and foreigners living in the country, and that it was contributing through the advisory services programme to the study of the situation in Georgia.

47. Notwithstanding the criticisms that could be addressed to the Centre, failure to provide it and its activities with adequate financial and manpower resources would be most regrettable. His delegation appealed to all member States concerned to strengthen and support the Centre by increasing the share of the regular budget allocated for advisory services in particular and for activities connected with the protection of human rights in general. His delegation was strongly in favour of priority being given in the budget of the Centre to the needs of developing countries, it being understood that other programmes, such as those targeted at the CIS, would be financed out of the Voluntary Fund. The Russian Federation also welcomed bilateral cooperation and had already received considerable assistance in that sphere from German jurists, the German Ministry of Justice having contributed to the drafting of the new Russian criminal code. It had also received a great deal of assistance from French and United States jurists. Ideally, however, the Centre for Human Rights and the Voluntary Fund remained the essential link for technical assistance in the human rights field. Efforts should be made to create a favourable climate in relations between States and help them to realize that assistance by the Centre was a necessary stage in the development of national institutions. The activities of the Centre for Human Rights, as well as being in the forefront of United Nations activities in general, should serve as a tool in creating national infrastructures designed to strengthen human rights, fundamental freedoms and respect for human dignity.

48. Mr. OYARCE (Chile) said that advisory services in the field of human rights played a decisive role in strengthening national structures for the protection of human rights and fundamental freedoms. That was particularly true in view of the link between respect of human rights and the establishment of democracy, brought out so clearly in the report of the Secretary-General (E/CN.4/1993/61). But to speak of human rights was to speak of the rights of peoples, and a people had to have education and culture in order to be able to demand the recognition of its rights from the State.

49. His delegation wished to raise two points in connection with the subject of advisory services. First, if respect for human rights and fundamental freedoms was the criterion of political and social legitimacy in the international order of today, why was it that only one per cent of the regular budget of the United Nations was allocated to the activities of the Centre for Human Rights? The question deserved to be pondered by all members of the Organization and should be dealt with by the Fifth Committee of the General Assembly. In the light of those financial constraints the role of the Voluntary Fund took on particular importance. Proper coordination between the two categories of activities - advisory services and technical cooperation - had to be ensured. In that connection, his delegation shared the views

expressed in paragraph 14 of the report of the Secretary-General, which envisaged giving a practical and comprehensive orientation to advisory services and technical assistance.

50. The second point to which his delegation wished to draw attention was the fact that until the present, advisory services had been regarded, at least partly, as a subdivision of item 12 of the Commission's agenda. But activities under item 21 (advisory services) were supposed to contribute towards encouraging full respect of human rights in specific cases. Advisory services in no way released the State from its responsibility to ensure the respect, exercise and promotion of all categories of human rights. In that connection, some thought should be given to the question of criteria capable of improving monitoring and evaluation procedures in recipient countries, so that the services might be maintained only to the extent that they were reflected in practical improvements in the respect of human rights and fundamental freedoms in the country concerned.

51. With regard to seminars, training courses and fellowship programmes, the last-mentioned activity appeared to be particularly valuable in that it addressed itself to a variety of participants in the process of transition to democracy. The example of South Africa in 1992 was particularly eloquent in that respect. His delegation also felt that activities in support of the independence of the judiciary and crime prevention should not be overlooked. In his view, a system of follow-up of reports submitted by fellowship-holders and the eventual publication of a document containing the comments of participants could usefully supplement those programmes. Topics common to all the participants as well as problems particular to certain regions, such as the question of indigenous peoples, could also be considered within the framework of the programmes. In the case of certain countries, it was also important to accentuate the participation of the judiciary and the armed forces in advisory services programmes.

52. His delegation considered it most useful that some activities were financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights, for the number of requests for advisory services received by the Centre for Human Rights was constantly increasing. Those activities had contributed towards strengthening the democratization process, particularly within the framework of electoral assistance or of training courses in human rights intended not only for government officials but also for members of governmental and non-governmental social organizations. It was interesting to note in that connection that the programming of activities financed under the Fund was left to the discretion of Governments in the light of the priorities adopted by each. His delegation favoured the idea of establishing a board of trustees composed of five highly qualified members to be appointed on the principle of equitable geographical distribution, to improve the administration and operation of the Fund. The proposal was compatible with practice followed in the case of other United Nations funds.

53. As regards system-wide cooperation, it appeared essential that the Centre should coordinate activities with other United Nations bodies, specialized agencies and other intergovernmental organizations such as, inter alia, the Centre for Social Development and Humanitarian Affairs, UNICEF, UNDP, UNITAR and ILO so as to encourage the incorporation of the human rights training

element in all systems. The inadequacy of the funds allocated to advisory services, in particular in the United Nations regular budget and the political difficulties standing in the way of the provision of advisory services were issues which deserved to be considered at the forthcoming World Conference on Human Rights. It was important to continue to develop cooperation the mechanisms already established under various international instruments relating to human rights, in particular under article 22 of the International Covenant on Economic, Social and Cultural Rights.

54. Ms. LUND (Observer for Norway), speaking on behalf of the five Nordic countries, said that the growing recognition of the relationship between human rights, democracy and development had given new impetus to technical assistance in the human rights field. The increase in the demand for technical assistance to develop democratic institutions and human rights called for additional efforts on the part of all major international organizations and bilateral donors depending on their mandates and resources. The Nordic countries considered that the traditional development cooperation activities should be increasingly oriented towards strengthening human rights and the rule of law and urged donor agencies to develop strategies to achieve those ends. Technical assistance and advisory services undertaken by the Centre for Human Rights should also be more closely integrated within the framework of development cooperation policies.

55. The Nordic countries welcomed the report of the Secretary-General on the item under consideration (E/CN.4/1993/61 and Add. 1). Since the need for assistance was significantly in excess of resources available to the Centre, a reallocation of credits within the United Nations regular budget should be undertaken in order to enable the Centre to perform its task in a satisfactory manner. The new global policy approach of the Centre was broadly in line with the Nordic countries' approach to supporting democracy and human rights. In particular, the Nordic countries welcomed the importance attached by the Centre to electoral assistance, periods of elections often providing unique opportunities for countries to consider wider issues of democracy and human rights. It was therefore important that the Centre should work in close collaboration with other organizations and specialized agencies, especially the Electoral Assistance Unit. It was also essential to strengthen cooperation between the Centre for Human Rights and UNDP pursuant to Commission resolution 1992/80. The Nordic countries therefore welcomed the policy of a new partnership in the field of technical cooperation for human rights and considered that the Centre could also benefit from cooperation with UNIFEM and INSTRAW. They were in favour of the policy that the Centre should implement projects where it could use its specific substantive competence and expertise. With its limited resources, the Centre alone could not provide all the assistance requested from it; the bulk of the needs would have to be met by United Nations agencies and bilateral donors. Close collaboration with multilateral development cooperation agencies was of particular importance when the Centre undertook feasibility studies and assessment missions to determine technical assistance needs in the human rights field. The Nordic countries hoped that use would be made of existing United Nations structures at the country level, and in particular that of the UNDP Resident Representative. To finance and implement activities not within its specific

competence, the Centre should also make use of existing aid-coordinating mechanisms such as the World Bank. All those issues could be considered at one of the inter-agency meetings convened by the Centre.

56. With regard to the Voluntary Fund, the questions of effective operation and administration were central. The Nordic countries would wish to see a professional post within the office of the Director of the Centre to assist in the management of the Fund. The proposed board of trustees for the Voluntary Fund should have an advisory function on broad policy issues, evaluation and reporting to donors. It could also help to streamline relations and cooperation with other organizations and agencies, including non-governmental organizations, and also perform a fund-raising role. The board of trustees, which should consist of persons of both sexes with wide experience in the field of human rights and technical cooperation, should meet annually for a period of one week. The Nordic countries were in favour of measures that would increase the transparency of the Fund's administration and operations, thus attracting new donors. However, since the establishment of a board of trustees could entail additional costs, they suggested that the Commission, when deciding on that question, should provide for a review after an initial period of three years. The Nordic countries had been firm supporters of the Voluntary Fund since its inception and would make new contributions in the near future. They, too, found it important that a clear distinction be drawn between activities financed under the Fund and those financed under the regular budget. Moreover, believing that non-governmental organizations could make a significant contribution to the protection and promotion of human rights, inter alia in the field of technical assistance, the Nordic countries felt that such organizations should be used systematically in the planning, implementation and evaluation of projects in the countries they knew well. The role played by a non-governmental organization in the Centre's needs assessment mission to Mongolia could serve as a model in that respect.

57. The question of technical assistance and voluntary services in the human rights field would be one of the topics considered at the World Conference on Human Rights in June 1993. The Nordic countries hoped that the Conference would recommend an increase in resources from the United Nations regular budget and would reiterate that technical assistance and advisory services were a complement and not a substitute for the monitoring and fact-finding activities of the United Nations human rights programme.

58. Ms. STROM (Observer for Sweden), supplementing the statement made by the Norwegian delegation on behalf of the Nordic countries, announced that the Swedish Government had decided to contribute SKr 3 million - the equivalent of US$ 385,000 - to the Voluntary Fund for Technical Cooperation in the Field of Human Rights. Sweden believed that assistance through the Fund to requesting countries was a means of strengthening the rule of law and civil society. The new contribution was in support of such efforts. In addition, her Government would contribute SKr 850,000 - equivalent to US$ 70,000 - towards the financing of an additional post at the Centre for Human Rights in order to monitor the human rights situation in Guatemala with a view to guaranteeing the return in safety and dignity of a large number of Guatemalan refugees who had fled to Mexico.

59. Mr. URRUELA PRADO (Observer for Guatemala) said that during the past year the constitutional Government of President Serrano had continued its efforts to strengthen the rule of law in the face of the enormous difficulties confronting it. For example, in 1992 it had signed an agreement with the permanent commissions of refugees thus clearly demonstrating its determination to promote national reconciliation and to establish peace. The same will was reflected in the setting up of the National Fund for Peace (FONAPAZ), the Land Distribution Fund (FONATIERRA) and the Fund for Reintegration in Employment (FORELAP). Those measures were designed to solve problems caused by poverty and lack of services in the country, especially in rural areas. In order to achieve its goals, Guatemala needed the assistance of the international community. The Guatemalan Government had therefore continued to cooperate with the Commission, particularly by extending every facility to the Independent Expert appointed by the Commission, Mr. Tomuschat, on his visits to the country and by agreeing to the participation of his representative, Mr. Lorenzo, in the process of implementation of the agreement on refugees. In that connection, his delegation wished to thank the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration for their assistance.

60. His Government had made every effort to carry out the Independent Expert's recommendations: in particular, it had promulgated a new Code of Criminal Procedure, acceded to be International Covenant on Civil and Political Rights, placed before Parliament a bill designed to strengthen the State Prosecutor's office, ordered the reopening of the National Police College and substantially increased the credits allocated to the judiciary, public health and education. It had also announced the resumption of negotiations with URNG with a view to achieving the objectives of the peace process, namely, the cessation of armed conflict, the reconciliation of all Guatemalans and the development of the country. That initiative of the President's had received broad support from political, economic and social circles within the country and from the international community at large. The Guatemalan Government had made its peace proposal in good faith, being determined to end the armed conflict once and for all. It had never gone back on its commitments as regards the guaranteeing of human rights. Such violations of human rights as had occurred had never been related to the Government's political objectives but had always resulted from the arms struggle started by elements wishing to seize power by force. Only national reconciliation and the re-establishment of a peaceful society could overcome the serious problems confronting Guatemala in the economic and social fields. His delegation appealed to the international community to provide Guatemala with the assistance and cooperation it needed in order to establish firm and lasting peace within the country.

61. Mr. IBARRA (International Indian Treaty Council) stressed the vital importance for the knowledge, enjoyment and exercise of human rights and fundamental freedoms of activities undertaken in the context of advisory services on human rights as described in the report of the Secretary-General (E/CN.4/1993/61 and Add. 1). It should be remembered that a request for assistance did not dispense a country from discharging its undertakings at the international level or authorize it to delay or restrict the implementation of the provisions set forth in various human rights instruments. The purpose of advisory services was to furnish support to countries which requested it and

which were prepared to accept the conclusions and implement the recommendations made by United Nations representatives responsible for assistance activities; advisory services should never serve to conceal situations of serious, systematic and repeated violations of human rights and fundamental freedoms.

62. Yet that was manifestly the case in Guatemala, referred to in paragraphs 100 to 102 of the report of the Secretary-General and forming the subject of the report of the Independent Expert, Mr. Tomuschat (E/CN.4/1993/10). From that report it emerged that the human rights situation in Guatemala had not evolved in the manner desired by the international community and the Commission, indeed, it had deteriorated in many respects. The indigenous people were the chief victims of excesses committed by the armed forces and paramilitary groups. Their life had been reduced to one long nightmare. Was there a single right or a single fundamental freedom of the Indians of Guatemala that had not been violated, a single human rights instrument that had really been respected in that country? The answer to those questions could only be negative. In the light of the information before the Commission, it was clear that the human rights situation in Guatemala should no longer be considered under agenda item 21 but under item 12. The Commission should also appoint a special rapporteur and instruct him to submit a detailed report on the question to the Commission's fiftieth session, special attention being given in the report to the situation of the Indians of Guatemala.

63. Ms. PARRA (France Libertés - Foundation Danielle Mitterrand) said that since 1988 the Centre for Human Rights had supplied advisory services to Colombia with a view to strengthening the national institutions for the promotion and protection of human rights in that country. It might well be asked, however, what impact those services were having, since the national body responsible for carrying out the assistance programme, the Office of the Presidential Adviser for Human Rights, had no investigatory or punitive powers and since the perpetrators of human rights violations in Colombia acted with complete impunity. The various recommendations made, inter alia, by the Working Group on Enforced or Involuntary Disappearances and by the Special Rapporteur on extrajudicial summary or arbitrary executions (E/CN.4/1991/55), - who, in particular, had requested the President of the Republic of Colombia in his capacity as head of the armed forces to remove from duty the members of the armed forces involved in human rights violations - had never been respected, as the Independent Expert, Mr. Valera Quirós, had indicated in his assessment report on services received by Colombia (E/CN.4/1990/22/Add.1). In December 1992, representatives of the Centre for Human Rights and UNDP had carried out a further evaluation of the advisory services furnished to Colombia. They had made several recommendations aimed at guaranteeing respect of human rights in that country, protecting human rights activists and putting an end to the phenomenon of impunity. They had also suggested that the United Nations bodies should develop cooperation in order to resolve the numerous problems of Colombian society and thus improve the human rights situation in that country, and had recommended that Columbia should implement the decisions of international human rights bodies. In that connection, she informed the Commission that her husband, an educator in the Santander area, had been arrested by members of the national army on 7 February 1989 and that she had had no further news of him since that date.

His case had been brought before the Inter-American Commission on Human Rights which, in February 1992, had ruled that the Colombian State had responsibility in the matter and had invited it to open an inquiry into the case, to punish those responsible and to indemnify the victim's family. Since those recommendations had not been complied with, the Inter-American Commission had decided to prosecute the Colombian Government before the Inter-American Court of Human Rights.

64. The CHAIRMAN interrupted the speaker, to remind her that the Commission had completed the consideration of agenda item 12 dealing with violations of human rights in various countries. He invited her to focus her statement on the question being considered under agenda item 21, namely, advisory services in the field of human rights.

65. Ms. PARRA (France Libertés - Fondation Danielle Mitterrand), continuing her statement, respectfully requested the Commission to envisage the possibility of appointing an expert with the twofold mandate of assisting the Colombian Government and people in the human rights field and of submitting a report to the Commission on the results of his mission and the obstacles encountered in carrying it out. The expert might perhaps advise the Colombian Government on how to implement the recommendations of the Inter-American Commission on Human Rights concerning 12 other cases of disappearance in which the responsibility of the State had been recognized. She also expressed the hope that the support thus given by the Commission would make it possible to bring to light the circumstances of her husband's disappearance and to identify those responsible.

66. Ms. SALAZAR (Centre Europe-Tiers Monde) said that advisory services in the human rights field had, in the past few years, given rise to some criticism. Indeed, certain countries receiving such services deserved quite different treatment - such as, for example, the appointment of a special rapporteur - under agenda item 12. At its forty-eighth session, the Commission had decided that Equatorial Guinea and Haiti would thenceforth be considered under item 12 because advisory services had not succeeded in contributing towards the improvement of the human rights situation in those countries. Centre Europe-Tiers Monde (CETIM) was firmly convinced that the Commission should take the same decision in respect of Guatemala. Generally speaking, CETIM considered that advisory services were a useful mechanism only when recipient States demonstrated that they were firmly committed to the full respect of human rights. That commitment should form the subject of an assessment every year in the context of the report submitted to the Commission by the expert appointed for that purpose.

67. The case of Colombia illustrated the situation of a country which received advisory services from the Centre for Human Rights although no genuine improvement had taken place in the human rights situation. In December 1992, representatives of the Centre, UNDP and the Colombian Government had jointly evaluated the advisory services offered to that country by the Centre for Human Rights (E/CN.4/1993/61, paras. 144-146). She wished to recall the evaluation mission's recommendations: the Colombian authorities should respect the decisions and resolutions of international and regional human rights organizations and ensure greater protection for human rights activists; no special legislation likely to restrict human rights and

fundamental freedoms should be adopted during states of emergency; the public authorities should take strict disciplinary measures against officials accused of serious human rights violations and should guarantee that violations committed by the police would not, under any circumstances, be tried by military courts.

68. In view of the poor results of the advisory services offered to Colombia by the Centre for Human Rights, her organization considered that the Commission should appoint an independent expert to assist the Government, authorities and social organizations of that country and report back to the Commission at its next session. Lastly, she reiterated the view that advisory services should be offered only when the recipient Government made a genuine commitment to improve the human rights situation in its country.

69. Mr. MOLINA (World University Service) said that the human rights situation in Guatemala should not be considered under item 21 of the Commission's agenda but under item 12. Item 21 should not be used to protect Governments and prevent the human rights situation from being subjected to serious scrutiny. The procedure could only harm the credibility of advisory services programmes designed to assist countries which showed a genuine will to improve the human rights situation. Moreover, appointing an independent expert to investigate the human rights situation in a country and, at the same time, assisting the Government of that country in the human rights field could create a contradictory situation. In his report, the independent expert was in duty bound to mention human rights violations, which made him adopt a critical tone in respect of the Government of the country in question. On the other hand, however, part of his task consisted in advising that Government, which induced him to try to stay on good terms with it and to make "acceptable" recommendations.

70. Thus, all the non-governmental organizations concerned recognized that the report by Mr. Tomuschat, the Independent Expert on the situation of human rights in Guatemala (E/CN.4/1993/10) accurately reflected the situation in that country; but, on the other hand, his conclusions and recommendations were relatively moderate vis-à-vis the atrocities committed, and some value judgements to be found in the report were highly questionable. Paragraph 269 of the report verged on racism when it alleged that members of indigenous communities were so poorly educated that they could not state their needs clearly. Moreover, the fact that the human rights situation in Guatemala was considered under agenda item 21 while that in Cuba was considered under item 12 was extremely questionable, for human rights ought to come before political interests. By making mistakes of that kind the Commission on Human Rights forfeited its credibility.

71. Ms. OSEREDCZUK (International Federation of Human Rights) said that the report of the Independent Expert on the situation of human rights in Guatemala (E/CN.4/1993/10) conveyed an idea of the seriousness of the situation in that country. So far as peace negotiations were considered, differences between the parties (the Government and the Unidad Revoluncionaria Nacional Guatemalteca (URNG)) had arisen on the occasion of a series of meetings devoted to the subject of human rights. Those differences had been connected essentially with the establishment of a "truth and justice commission" to be entrusted with investigating human rights violations committed since 1978.

As a result, meetings between the parties had been temporarily suspended and, despite some progress in the human rights field, no agreement had been concluded to date.

72. In that connection, the Coordinating Committee of Civilian Bodies, which included 90 institutions, groups and organizations representing religious sectors, Mayan and non-governmental organizations, academic institutions and trade union and popular organizations, had requested that negotiations between the Government and the army, on the one hand, and URNG on the other should not be conducted in secret but that civil society should be permitted to participate in them. The organizations in question considered that impartial and representative views of sectors of civil society could contribute valuable elements to the negotiating process. It was their unanimous position that human rights were not negotiable, that respect of human rights was not optional, and that human rights had to be respected without delay.

73. The International Federation of Human Rights consequently deplored the fact that, at the latest meeting, which had taken place from 23 to 27 February 1993, the Guatemalan Government had maintained its position of making the signature of a comprehensive agreement on human rights subject to certain conditions. Moreover, her organization noted with deep concern that violations of human rights in Guatemala had continued and had indeed become aggravated during the past year. It was truly shocking to see that while the signature of an agreement on human rights was being discussed at the negotiating table, renewed violations of those rights were taking place.

74. The International Federation of Human Rights considered that advisory services programmes in the field of human rights had not succeeded in improving the situation in Guatemala and took the view - shared, in particular, by the countries of the European Economic Community and Canada - that the case of Guatemala should be considered by the Commission under agenda item 12.

75. Ms. BENITEZ (Commission for the Defence of Human Rights in Central America - CODEHUCA) said that United Nations advisory services and technical cooperation programmes in the human rights field were of considerable importance. Her organization therefore felt that the share of the Organization's budget devoted to the protection and promotion of human rights - which, as the German Minister of Foreign Affairs had told the Commission earlier, represented barely 1 per cent of the total budget - should be increased.

76. CODEHUCA further considered that certain conditions had to be met before advisory services were offered to the Government of a member State. In particular, a State had to demonstrate its political will to end human rights violations; it had to demonstrate its capacity to implement the appropriate protective measures; civilian authorities had to have pre-eminence over military power; and the judiciary had to be completely independent. In the case of Guatemala, the Commission had, at its forty-third session, adopted a resolution under item 12 of its agenda. Two hours before the conclusion of that session's last meeting, certain Latin American countries, acting in total defiance of the Commission's procedure, had transferred the case of

Guatemala from agenda item 12 to agenda item 21. Thus, for six years, the United Nations had offered advisory services to the Guatemalan Government without any improvement being observed in the human rights situation in that country. Impunity in Guatemala was practically unlimited and, despite the advisory services, Guatemalans continued to live in a State ruled by crime rather than by law.

77. CODEHUCA, like other non-governmental organizations, felt that the United Nations had quite simply abandoned the victims of human rights violations in Guatemala. In that connection and within the framework of the International Year for the World's Indigenous Peoples, it was not without use to recall that the majority of Guatemalan victims were to be found among the indigenous population. CODEHUCA therefore urged the United Nations and the international community to ensure that the agreements signed in October 1992 and January 1993 between the permanent commissions of refugees and the Guatemalan Government should be strictly implemented so that all the refugees might collectively return to their homes in complete safety. CODEHUCA also requested the Independent Expert, when visiting Guatemala, to take time to hear reports on the situation from representatives of human rights organizations. Lastly, it requested the Commission to make sure that any decision concerning Guatemala was not dictated by political interests but was taken in the light of the real situation in that country.

78. Mr. TEITELBAUM (American Association of Jurists) said that advisory services programmes should be elaborated and carried out with the participation of the non-governmental organizations, which also had an indisputed right to benefit from those services. It was quite unacceptable that technical cooperation services or advisory services should be offered to Governments which refused to allow national human rights organizations to participate in courses and seminars held under those programmes. His organization considered further that, as in the case of the Voluntary Fund for Indigenous Peoples and of the Voluntary Fund for Victims of Torture, a board of trustees should be established for the Voluntary Contributions Fund for Technical Cooperation in the Field of Human Rights. The board of trustees should not only concern itself with funds management but should also give careful consideration to each situation and each project with a view to setting priorities.

79. Advisory service programmes had hitherto tended to focus on civil and political rights to the detriment of economic, social and cultural rights. His organization considered that the indivisibility and interdependence of all human rights should be reflected in practice. The advisory services programmes should therefore include courses and seminars run by qualified officials of United Nations bodies specializing in economic, social and cultural rights and the right to development.

80. Lastly, his organization felt that advisory services programmes should not be used to improve the image of regimes which systematically violated human rights. Advisory services should not be offered and seminars should not be held in countries whose Government did not show the slightest political will to improve the human rights situation. The distinction between advisory services and activities to investigate country situations should be clearly drawn.

The meeting rose at 1.05 p.m.